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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, No. CR-01-0329 MMC  
12 Plaintiff,  
13 v.  
14 GARY ADAMS,  
15 Defendant

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**ORDER DENYING DEFENDANT'S  
MOTION FOR SENTENCE REDUCTION**

17 By order filed July 5, 2012, the Court denied defendant Gary Adams' ("Adams")  
18 "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence." In so ruling,  
19 the Court held the Fair Sentencing Act of 2010 did not apply to Adams' sentence. (See  
20 Order, filed July 5, 2012, at 1:26-28.)

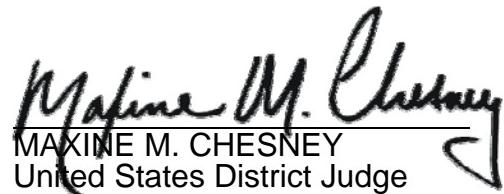
21 Now before the Court is Adams' "Motion for Sentence Reduction," filed December  
22 26, 2012, by which Adams again argues that the Fair Sentencing Act of 2010 is applicable.  
23 The Court construes the instant motion as a motion for reconsideration of the Court's  
24 finding, made in its order of July 5, 2012, that the Fair Sentencing Act does not apply to  
25 Adams' sentence. So construed, the motion is hereby DENIED, for the reason that Adams  
26 fails to identify any cognizable basis for reconsideration.

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1           Finally, should Adams seek to appeal the instant order, the Court hereby DENIES a  
2 certificate of appealability, for the reason that Adams has not made a "substantial showing  
3 of the denial of a constitutional right." See 28 U.S.C. § 2253(c)(2).

4           **IT IS SO ORDERED.**

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6 Dated: January 2, 2013  
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MAXINE M. CHESNEY  
United States District Judge